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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------|------------------|
| 09/556,949 | 04/21/2000 | Yasuo Nomura | SONY-T0472 | 6510 |
| 22850 | 7590 | 09/22/2004 | EXAMINER | |
| OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314 | | | ONUAKU, CHRISTOPHER O | |
| | | ART UNIT | PAPER NUMBER | |
| | | 2616 | | |
| DATE MAILED: 09/22/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|------------------------|---------------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/556,949 | NOMURA ET AL. |
| | Examiner | Art Unit |
| | Christopher O. Onuaku | 2616 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 8-24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 09 August 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8&11</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

NOTE: Claim Dependencies

1. It is pertinent to point out that claims 9-12 are dependent on claim 8 and not on claim 1 as cited in the claims; and that claims 16-22 are dependent on claim 15 and not on claim 1 as cited in the claims. Corrections are required.

Election/Restrictions

2. Applicant's election with traverse of the restriction requirement in the reply filed on 3/25/04 is acknowledged. The traversal is on the ground(s) that a search and examination of the entire application would not place a serious burden on the examiner. This is not found persuasive because as stated by the examiner in the last office action, inventions I, II and II are distinct from each other and are separately usable. In the instant case, invention I has separate utility such as processing apparatus for recording a first picture supplied and for reproducing a second picture recorded; invention II has a separate utility such as, processing apparatus for dealing with moving pictures, and providing display control so as to display, given a reference position on a screen, still pictures in positions at distances from the reference position, the distances reflecting the differences between a time stamp corresponding to the reference position; and

invention III has a separate utility such as providing display control in such a manner as to display a first, a second and a third display area.

Therefore, the search and examinations of the entire application will be made with serious burden to the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Aotake (US 6,411,771).

Regarding claim 1, Aotake discloses a picture processing apparatus/method, and a recording medium being capable of carrying out search of a desired scene with ease, comprising:

- a) recording means for recording 'first' picture, and reproducing means for reproducing 'second' picture (see Fig.5, col.8, lines 19-55); and
- b) display controlling means for providing display control in such a manner as to display a first screen through which to input orders for operating the recording means

(see Fig.7 and slip recorder window 301; col.23, lines 38-52), and a second screen through which to input orders for operating the reproducing means (see Fig.15 and playback window 341; col.35, line 9 to col.36, line 12).

Regarding claim 2, Aotake discloses wherein the recording means records simultaneously at least one picture making up the first picture (see col.23, lines 38-52), here the letters "REC" is displayed to indicate that the recording process is going on at the instant.

Regarding claim 3, Aotake discloses wherein the reproducing means reproduces simultaneously at least one picture making up the second picture (see col.35, lines 16-25), here the word "PLAY" is displayed to indicate that the reproducing process is going on at the instant.

Regarding claim 4, Aotake discloses wherein the display controlling means provides display control in such a manner that the first and second screen appear in substantially the same position (see col.39, lines 15-22 and col.8, lines 33-36), here Aotake discloses that in the shared mode, the MPEG1 real time encoder board 213 is allowed to write (record) an MPEG system stream into the MPEG file and, at the same time, the MPEG1 software decoder 201A is allowed to read out (playback) the MPEG stream as well. And following the processes of recording and playing back discussed above, when the recording and playing back processes are executed at the same time,

in the shared mode, the first screen (slip recorder main window 301 of Fig. 7) and the second screen (playback window 341 of Fig. 15) will appear in substantially the same position.

Regarding claim 5, Aotake discloses wherein the display controlling means displays the first screen in such a manner as to place a first and second display thereof into a first and a second state respectively, the first display in the first state accepting an input of orders for operating the recording means, the second display in the second state accepting an input of orders for operating the reproducing means, the display controlling means further displaying the second screen in such a manner as to place the first and second display thereof into the second and first state respectively, the first display in the second state accepting an input of orders for operating the recording means, the second display in the first state accepting an input of orders for operating the reproducing means (see claims 2&3 discussions above), here examiner reads the first state as the recording state and the second state as the reproducing state.

Regarding claim 6, the claimed limitations of claim 6 are accommodated in the discussions of claim 1 above.

Regarding claim 7, the claimed limitations of claim 7 are accommodated in the discussions of claim 1 above, including the claimed medium, which examiner reads as a

recording medium (see Fig.5, and the main memory unit 202 of Fig.5; col.8, lines 55-63).

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ohno et al (US 6,038,366) teach a magnetic recording/reproducing apparatus which is imparted with capabilities of easily discriminating or identifying a cassette tape as loaded, searching a desired program recorded thereon, indexing heading portions of programs, displaying caption or teletext and so forth by making use of information signals such as a character signal (teletext signal), control signals, etc. which are superposed on a video signal.

Dunn et al (US 5,648,824) teach video control user interfaces used in interactive television systems, including methods for operating an interactive television system and particularly, for controlling viewing of video movies on a television.

Yuen et al (US 6,487,362) teach means and method for facilitating management, storage and retrieval of programs on a cassette of magnetic tape, including maintaining current information about a tape in a magnetic tape cassette.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher O. Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on M-F 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on 703-308-9644. The fax phone

number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

[Signature]
COO

9/14/04

[Signature]
THAI TRAN
PRIMARY EXAMINER